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LETTER DATED 28 JANUARY 1994 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to my letter dated 18 January 1994 (S/1994/50) regarding the safe areas Srebrenica and Tuzla. In that letter, I indicated that I would revert to the Security Council as soon as I had received the detailed plans which I had asked Mr. Yasushi Akashi, my Special Representative for the former Yugoslavia, to prepare. Mr. Akashi has now submitted to me the plans which, following consultation with the North Atlantic Treaty Organization (NATO), have been prepared under his direction by the Force Commander of the United Nations Protection Force (UNPROFOR).

I should like to recall that since early December UNPROFOR has faced Bosnian Serb opposition to the replacement of Canadian troops in Srebrenica and of Ukrainian troops in Zepa by elements of the incoming Netherlands battalion. As regards Tuzla, at the request of the Office of the United Nations High Commissioner for Refugees (UNHCR), UNPROFOR has been making efforts to open the main airfield for the delivery of humanitarian assistance to the Tuzla safe area and the nearby areas of Central Bosnia. It was in this context that the recent summit meeting of the North Atlantic Council held in Brussels on 11 January reaffirmed NATO's readiness to support UNPROFOR's efforts.

Both plans submitted by Mr. Akashi, i.e. the one for the rotation of the troops in Srebrenica and Zepa and the one for the opening of Tuzla airport, envisage three scenarios:

1. the objective is achieved through negotiations and with the consent of the parties;

2. the consent of the parties is not obtained but UNPROFOR judges that they are unlikely to use military force to prevent the achievement of the objective. Existing UNPROFOR military assets already available throughout Bosnia and Herzegovina are used, supported, if necessary, by air power provided by NATO;

3. the consent of the parties is not obtained and scenario 2 has failed because they have used military force to prevent the achievement of the objective. Existing UNPROFOR military assets already available in Bosnia and Herzegovina, reinforced with additional troops and

equipment contributed by Member States, are used, supported, if necessary, by air power provided by NATO.

The first two scenarios represent a measured step-by-step approach geared to the attitude of the parties, which would have to be carefully ascertained through constant contact. The third scenario would imply a different level of military action and could not be implemented until the Security Council had authorized the additional troops and equipment that would be necessary and these had been deployed in theatre.

According to these plans, air power would be used, if necessary, in self-defence against a deliberate attack upon UNPROFOR by any party. Should UNPROFOR be attacked in the implementation of the plans, I would not hesitate to initiate the use of close air support without delay. To this end arrangements have been made with NATO, which has already authorized its forces to provide close air support to UNPROFOR in cases of self-defence. It is important in this context to make clear that a distinction exists between close air support, which involves the use of air power for purposes of self-defence, and air strikes, which involve the use of air power for pre-emptive or punitive purposes. Whereas the North Atlantic Council has already authorized close air support, I have been informed by the Secretary-General of NATO that NATO forces are not authorized to launch air strikes, which would require a further decision of the North Atlantic Council.

It is obviously desirable that the plans should, if possible, be implemented in accordance with the first scenario, i.e. by mutual agreement. The parties should, however, be aware that UNPROFOR's mandate for the safe areas has been adopted under Chapter VII of the United Nations Charter. Accordingly, UNPROFOR is not obliged to seek the consent of the parties for operations which fall within the mandate conferred upon it under Security Council resolutions 836 (1983) and 844 (1993).

In regard to the present situation in Srebrenica and Zepa, I should like to inform the Council that on 10 and 13 January, respectively, my Special Representative met with the Serbian President, Mr. Slobodan Milosevic, and the Bosnian Serb leader, Dr. Radovan Karadzic, both of whom assured him that they had no political objections to the planned rotation. In a meeting at Sarajevo airport on 19 January, the Bosnian Serb military leader assured the Force Commander of UNPROFOR that there would be no further obstacles to the rotation of UNPROFOR troops in Srebrenica and Zepa. On 25 January, a reconnaissance party of the Netherlands battalion went into Srebrenica and Zepa without any impediment. It is planned that the entire rotation should be completed by the end of February. I hope that there will be no need to proceed to the second scenario. Nevertheless, the plans presented to me by Mr. Akashi also include that scenario for Srebrenica and Zepa, should any new obstacles be placed in UNPROFOR's way.

The plan for Tuzla is based on the concept that UNPROFOR takes control of the airport from the forces of the Government of Bosnia and Herzegovina, in order to ensure that its facilities will not be used for purposes other than the delivery of humanitarian assistance. It is intended that an agreement will be concluded similar to the one which has, since June 1992, governed the use of

Sarajevo airport. The Bosnian Serb leadership has repeatedly raised the concern that Tuzla airport may be used for military objectives, such as arms supplies. An airport agreement, including the stationing of Bosnian Serb monitors at the airport, will remove this concern.

As a first step, the plan for Tuzla airport envisages the withdrawal of the Government forces now deployed at the airport and in its immediate environs. I have instructed my Special Representative to pursue this matter urgently with the Government of Bosnia and Herzegovina, which already has indicated to him its general willingness to consider the Sarajevo airport type of arrangement.

Once such an agreement has been reached, UNPROFOR will take over control of the airport and operate it, initially with its own aircraft only. When the security of the airport has been established, the countries contributing to the humanitarian airlift to Sarajevo will be invited to extend their services to Tuzla. As already indicated, arrangements will be made for on-site monitoring of the airport by representatives of both the Bosnian Government and the Bosnian Serbs.

I believe that the above arrangement will meet the concerns of the parties and that it will be possible to obtain agreement from both sides. Should such agreement not be reached, UNPROFOR will be obliged to resort to the second scenario, asking the Government's forces to withdraw and unilaterally declaring the airport open for humanitarian purposes. In order to achieve this, UNPROFOR will need to draw on military assets available not only in the Tuzla area of deployment but also from elsewhere in Bosnia and Herzegovina.

Given the limited military assets available to UNPROFOR in Bosnia and Herzegovina, the Force Commander has recommended that the two operations, if conducted under the second scenario, be undertaken sequentially. I have therefore accepted his proposal that UNPROFOR should first achieve the rotation in Srebrenica and Zepa before proceeding to the opening of Tuzla airport, unless the latter is possible through negotiations. The Force Commander has also pointed to the desirability of each of these operations, if conducted under the second scenario, being carried out by forces drawn from as many different national contingents of UNPROFOR as possible. This will demonstrate the united commitment of the international community to fulfilling these objectives.

It would be irresponsible of me not to point out that, in the judgement of my Special Representative, which I share, any resort to the second scenario, and a fortiori to the third scenario, entails considerable risk for UNPROFOR's operations and for the troops involved in its implementation, as well as for the humanitarian assistance operation. Despite these risks, I am instructing my Special Representative to pursue actively the implementation of the two plans, in direct contact with the Government of Bosnia and Herzegovina and the leadership of the Bosnian Serbs. I shall keep the Security Council regularly informed of the progress made. The Under-Secretary-General for Peace-Keeping Operations will also brief the countries contributing troops to UNPROFOR in Bosnia and Herzegovina.

In this connection, I should like to inform the Council that, in the specific circumstances of these operations relating to Srebrenica and Tuzla, I

have delegated to my Special Representative, Mr. Yasushi Akashi, the authority to approve a request for close air support from the Force Commander.

The difficulties UNPROFOR has encountered in regard to both issues are in part due to the fact that all the parties in Bosnia and Herzegovina are in one way or another trying to take tactical advantage of the Force's presence. Each action of UNPROFOR is perceived as being to the advantage of one or the other of the warring parties. As a result, the respective sides are increasingly questioning the Force's impartiality, which is the key to its effectiveness in implementing the mandates entrusted to it by the Council. I believe the time has come to reflect on the role of UNPROFOR in order to chart the course to be taken in the future, and I will be undertaking a comprehensive review of the functions and responsibilities of UNPROFOR prior to the Security Council's consideration of the renewal of its mandate in March 1994.

(Signed) Boutros BOUTROS-GHALI